

**161—3.26(216) Initial investigation of complaint—tier one investigation.**

**3.26(1)** Questionnaire. After receipt of a complaint, the agency may mail to the parties written questionnaires. Complainant and respondent may provide responses in person, by mail or electronic mail.

**3.26(2)** Responses to the questionnaire.

*a.* Questionnaire responses can include written position statements. Questionnaire responses must be accompanied by supportive evidence. Attorney arguments are not considered admissible evidence. Supportive evidence should address the complainant's allegations and how individuals similarly situated to the complainant were treated.

*b.* Questionnaire responses are due 30 days from the mailing of the questionnaire. One oral or written request extension of 30 days or less will be granted on an informal basis without notice to the non-requesting party. A party may assume the first 30-day extension request is approved, unless otherwise notified. Any further request for extension may be subject to review by the executive director or designee and will be granted upon a showing of extenuating circumstances.

**3.26(3)** Failure to respond.

*a. Complainant.* A complaint may be administratively closed if a complainant fails to respond to questionnaires.

*b. Respondent.* A complaint may proceed to further investigation if respondent fails to submit questionnaire responses with supportive evidence.

**3.26(4)** Suggested procedure in answering questionnaires will be provided in the cover letter to the questionnaires.

**3.26(5)** The tier one investigation process will determine whether further investigation is needed. If further investigation is not warranted, the complaint will be administratively closed. Further processing is warranted when the submitted information indicates a reasonable possibility of a probable cause determination or the legal issues in the complaint need development. Respondent's failure to respond to the agency's request for response may also result in referral to a tier two investigation.

**3.26(6)** The agency may issue a request for information for the investigation after the issuance of the tier one determination.

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